



SO ORDERED,

A handwritten signature in blue ink that reads "Edward Ellington".

Judge Edward Ellington  
United States Bankruptcy Judge  
Date Signed: April 24, 2014

The Order of the Court is set forth below. The docket reflects the date entered.

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI**

**IN RE:**  
**KENNETH LEE SIMMONS**  
**MARY ALLISON SIMMONS**

**CHAPTER 7**  
**CASE NO. 1200937EE**

**DEREK A. HENDERSON, TRUSTEE FOR**  
**KENNETH LEE SIMMONS AND**  
**MARY ALLISON SIMMONS, AND**  
**TRUSTMARK NATIONAL BANK**

**V.**

**ADVERSARY NO. 1200061EE**

**BANK OF AMERICA, N.A.**

**FINAL JUDGMENT**

Consistent with the Court's opinion dated contemporaneously herewith,

**IT IS THEREFORE ORDERED** that *Bank of America, N.A.'s Motion to Abstain* (Adv. Dkt. #22) pursuant to 28 U.S.C. § 1334(c)(2), or in the alternative, pursuant to 28 U.S.C. § 1334(c)(1) is not well taken and is hereby denied.

**IT IS FURTHER ORDERED** that the request to dismiss the *Amended Complaint*

*to Determine Extent and Validity of Liens or in the alternative, to Set Aside a Preference* (Adv. Dkt. #53) pursuant to Federal Rule of Bankruptcy Procedure 7012 contained in *Bank of America, N.A.'s Motion to Dismiss Amended Complaint* (Adv. Dkt. #57) is not well taken and is hereby denied.

**IT IS FURTHER ORDERED** that *Bank of America, N.A.'s Motion for Summary Judgment* (Adv. Dkt. #45) is not well taken and is hereby denied.

**IT IS FURTHER ORDERED** that the *Motion of Trustmark National Bank for Summary Judgment* (Adv. Dkt. #49) is well taken and is hereby granted.

**IT IS FURTHER ORDERED** that the *Deed of Trust* in favor of Full Spectrum Lending, Inc. executed on October 1, 2003, by Kenneth L. Simmons and Mary Allison Brown Simmons and recorded at Book 5910, Page 409 in the office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, on October 15, 2003, is hereby avoided pursuant to 11 U.S.C. § 544.

**##END OF ORDER##**